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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

PHILLIP BRIAN HILL,

Defendant and Appellant.

2d Crim No. B268997
(Super. Ct. No. MA066807)
(Los Angeles County)

Phillip Brian Hill appeals after a jury convicted him of inflicting corporal injury upon a cohabitant or fiancé (Pen. Code,¹ § 273.5, subd. (a)). In a bifurcated proceeding, the trial court found true allegations that appellant had a prior strike conviction and had served a prior prison term (§§ 667, subd. (d), 667.5, subd. (b), 1170.12, subd. (b)). Appellant was sentenced to seven years in state prison. He contends the evidence is insufficient to support his conviction. We affirm.

¹ All statutory references are to the Penal Code.

STATEMENT OF FACTS

On August 25, 2015, appellant was living in an apartment with his fiancé Achan James and her sister Abreanna James.² At about 6:30 p.m. that night, Los Angeles County Sheriff's Deputy Victor Ekanem responded to a domestic disturbance call at the apartment. Abreanna was outside the apartment when Deputy Ekanem arrived. Abreanna told the deputy that she had gone inside after hearing appellant and Achan arguing and saw appellant standing over Achan and assaulting her. She said that appellant hit Achan with a beer can and got on top of her and continued to hit her after she fell to the ground.

Deputy Ekanem knocked on the apartment door but no one answered. The deputy opened the door and saw appellant sitting on a stool. Achan was out on the balcony. She was crying and had injuries on her leg, arm and lip. Her clothes were wet and smelled of alcohol. She told the deputy that appellant had poured a bottle of beer on her and hit her several times on the arms and face as she was lying on the floor. Achan told Deputy Ekanem that appellant had called her "a bitch and a hoe" and she had told him he could leave. She said the fight began after appellant accused her of spoiling her one-year-old daughter by breastfeeding her whenever she cried. Achan told the deputy that she did not want appellant to go to jail. Appellant did not have any injuries.

At trial, Achan testified that appellant had not assaulted her and denied telling Deputy Ekanem that appellant had hit her. Achan painted herself as the aggressor rather than

² For ease of reference, we refer to Achan and Abreanna by their first names.

appellant. She admitted telling the deputy that appellant had caused her to fall by shoving her, but claimed she had lied because she was mad about something she had seen on his phone. She claimed that she tripped over a cord while following appellant down the hallway and cut the back of her leg on the door. She also retracted her statement that appellant had poured beer on her. She claimed that her friend Monica Carrasco, who was at the apartment that night but left before the police arrived, had accidentally spilled the beer on her while she was trying to pull Achan off of appellant. According to Achan's trial testimony, the police were called because she and Carrasco were arguing. She claimed her lip was bleeding because she had a nervous habit of picking at her lips.

Abreanna also recanted her statement that she had seen appellant hit Achan with a beer can and denied telling Deputy Ekanem that she had seen appellant hit Achan. In her trial testimony, Abreanna claimed that Achan had told her what to say because Achan was mad at appellant. She also claimed that the altercation was more between Achan and Carrasco than Achan and appellant. Carrasco gave testimony to the same effect and claimed that she left the scene because she did not want to get arrested.

DISCUSSION

Appellant contends the evidence is insufficient to support his conviction. He claims there was no "direct evidence" from which the jury could have found that he caused Achan to suffer "a traumatic condition" as provided in subdivision (a) of section 273.5. We disagree.

"[W]e review the whole record in the light most favorable to the judgment to determine whether it discloses

substantial evidence—that is, evidence that is reasonable, credible, and of solid value—from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt.” [Citations.] (*People v. Stanley* (1995) 10 Cal.4th 764, 792.) “The test is not whether guilt is established beyond a reasonable doubt. [Citations.]” (*In re Roderick P.* (1972) 7 Cal.3d 801, 808.) “We must presume in support of the judgment the existence of every fact that the trier of fact could reasonably deduce from the evidence. [Citation.]” (*People v. Medina* (2009) 46 Cal.4th 913, 919.) “[W]e do not reweigh the evidence, resolve conflicts in the evidence, draw inferences contrary to the verdict, or reevaluate the credibility of witnesses. [Citation.]” (*People v. Little* (2004) 115 Cal.App.4th 766, 771.) “The conviction shall stand ‘unless it appears “that upon no hypothesis whatever is there sufficient substantial evidence to support [the conviction].”’ [Citation.]” (*People v. Cravens* (2012) 53 Cal.4th 500, 508.)

To convict appellant of committing corporal injury upon a cohabitant or fiancé, the jury had to find that he (1) willfully inflicted great bodily injury upon Achan; and (2) the bodily injury resulted in a traumatic condition. (§ 273.5, subd. (a).) As the jury was instructed, “[a] ‘traumatic condition’ is a condition of the body such as a wound or external or internal injury, . . . whether of a minor or serious nature, caused by physical force.” (CALJIC No. 9.35.)

The evidence is sufficient to support the jury’s findings that appellant willfully inflicted great bodily injury upon Achan and that the injury resulted in a traumatic condition. Appellant’s claim to the contrary ignores the controlling standard of review, which requires us to review the evidence in the light most favorable to the judgment. (*People v. Stanley, supra*, 10

Cal.4th at p. 792.) His argument makes no mention of Achan's statement to Deputy Ekanem that appellant had repeatedly hit her face and arms, or of Abreanna's statement that she had witnessed the assault. Moreover, it is undisputed that Achan had visible injuries to her leg, arm and lip. Although Achan and Abreanna later changed their stories, the jury was the sole arbiter of their credibility as well as the credibility of Deputy Ekanem. (*People v. Little, supra*, 115 Cal.App.4th at p. 771.) The jury apparently found that Achan and Abreanna made the statements Deputy Ekanem attributed to them and that the statements were credible. Appellant provides no basis for us to reject those findings. (*Ibid.*; *People v. Ennis* (2010) 190 Cal.App.4th 721, 728.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

TANGEMAN, J.

Kathleen Blanchard, Judge
Superior Court County of Los Angeles

Phillip A. Trevino, under appointment by the Court
of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A.
Engler, Chief Assistant Attorney General, Lance E. Winters,
Senior Assistant Attorney General, Margaret E. Maxwell,
Supervising Deputy Attorney General, Peggy Z. Huang, Deputy
Attorney General, for Plaintiff and Respondent.